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Letter dated 19 November 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the text of a letter dated 18 November 2004 from the High Representative of the European Union (EU), Mr. Javier Solana, to the Secretary-General of the North Atlantic Treaty Organization (NATO), Mr. Jaap de Hoop Scheffer, on the respective roles of NATO and EU after the transition from the Stabilization Force operation in Bosnia and Herzegovina to Operation ALTHEA (see annex).

It would be appreciated if the present letter and its annex could be distributed as a document of the Security Council.

(*Signed*) Dirk Jan **van den Berg**
Ambassador
Permanent Representative

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Annex to the letter dated 19 November 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

Letter dated 18 November 2004 from the High Representative of the European Union to the Secretary-General of the North Atlantic Treaty Organization

I welcome progress on planning for the European Union (EU) military operation and the North Atlantic Treaty Organization (NATO) presence in Bosnia. I am writing to confirm how EU intends to contribute, based on the decisions that the Union has taken and the extensive contacts with NATO.

We are agreed that EU and NATO will both have access to the full authorities under Annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina. I confirm that the European Union Force (EUFOR) will act on the basis of Council Joint Action 2004/570/CFSP of 12 July 2004 and other EU decisions I have communicated to you. EUFOR will provide a robust military presence in order to: deter the former Entity Armed Forces and other armed groups; monitor and ensure continued compliance with the military aspects of the Framework Agreement; and prevent a resumption of violence. EUFOR will have full authority, exercised through its Force Commander, to fulfil the role specified in Annexes 1-A and 2 of the Framework Agreement, and to monitor implementation of military aspects of the Framework Agreement, and to assess and address non-compliance by the parties. EUFOR will thus have the main peace stabilization role under the Framework Agreement.

EUFOR will also provide support, within means and capabilities, in coordination with EU and international community actors, to the core tasks of the Mission Implementation Plan of the Office of the High Representative and other civil implementation organizations regarding counter-terrorism, the fight against organized crime, returns of displaced persons and refugees, the rule of law and implementation of other civilian aspects of the Framework Agreement. EUFOR will also provide support to the International Criminal Tribunal for the Former Yugoslavia and relevant authorities, including the detention of persons indicted for war crimes.

It is my understanding that the NATO presence will act on the basis of the June 2004 Istanbul Summit communiqué and of other NATO decisions that you have communicated to me, and, acting through its Senior Military Representative, will exercise its authorities only when necessary to fulfil its tasks, including for force protection.

We have agreed that it will be the responsibility of the Deputy Supreme Allied Command Europe, who has been designated as the EUFOR Operation Commander, to ensure the effective implementation of the delineation arrangements between NATO and EU operational tasks in Bosnia and Herzegovina.

Both NATO headquarters Sarajevo and EUFOR will be legal successors to the Stabilization Force (SFOR) for the fulfilment of their missions. To the extent that there may be existing or future liabilities relating to the SFOR mission or the EUFOR mission, these will be the subject of separate NATO and EU technical discussions: EUFOR should not be held responsible for liabilities incurred by SFOR and NATO should not be held responsible for liabilities incurred by EUFOR.

As agreed, a copy of the present letter is sent to the President of the Security Council.

(*Signed*) Javier **Solana**